tempts the publication of criticisms of the conduct of a judge, such as were those in the Wisconsin case. The protection expressly extended to freedom of speech and of the press in the constitutions of all our States, as well as in that of the United States, though it could not operate to cut down the power to punish for contempt so far as that is necessary to the courts for their self-defence, yet seems to render it improper for them to proceed summarily to silence criticism of their conduct, except where such action is thus necessary. Where the criticisms are with regard to past transactions, it would seem that there is no interference with the present administration of justice, and that the persons attacked ought to be left to their action of libel. The very fact that such a case as that of the Wisconsin judge could arise shows the danger of any other rule.

ATTACHMENT OF A SCHOLARSHIP. — The question of what forms of property may be taken in execution of a judgment has been presented in a new form in the recent case of *Cleveland National Bank* v. *Morrow*, 42 S. W. Rep. 200 (Tenn.). A perpetual scholarship had been conferred upon the defendant by vote of the corporation of a college. The defendant had been a benefactor of the college; and in acknowledgment of his favors the college gave him the right to keep one scholar appointed by him at the institution to enjoy gratuitously all its advantages. This scholarship was attached under a decree in equity, and sold by a master in chancery for the benefit of the creditors of the defendant; and the question arises whether this attachment should have been permitted. No direct authority, strangely enough, is to be found upon the point. The question, however, is important, and may have a wide application; for if the attachment is to be allowed in this case, similar rights, as for instance the right to appoint a patient to a free bed in a hospital, would also become subject to transfer in this summary manner.

The Supreme Court of Tennessee decided that the attachment in question was improper; and principle and policy support this view. What cannot be assigned, obviously cannot be taken in execution; and no right dependent upon the personal character of the holder can be assigned. For this reason a power of appointment to charitable uses under a will cannot be assigned; for its exercise demands an effort of judgment on the part of one particular person. *Doyley* v. *Attorney-General*, 4 Vin. Abr. 485. In applying the principle to the present case it is unnecessary to decide the exact nature of the college's liability. Whether the obligation be looked upon as a binding agreement on the part of the college, a revocable offer, or a gratuitous promise, the right or privilege conferred is in any case inseparably joined with the personal characteristics of the person intended to make use of it. So long as it lives in him he can no more transfer it to another than he can transfer his own mind. The college conferred the power upon him in reliance upon his personal judgment in making the appointment. No proposal was made for taking a scholar not designated by this one particular person; and gross injustice might be done if the college were forced to accept the choice of another person who may have nothing to recommend his judgment apart from the fact that he is a creditor of him who was first intended to exercise the power. The conclusion is inevitable, that the privilege of appointment under this scholarship is a personal matter, not assignable, and hence not properly subject to attachment.